

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 3:09-cr-153
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
DAVID C. BIGI (1),	:	
ROBERT J. BIGI (2),	:	
	:	
Defendants.	:	

**DECISION AND ENTRY DENYING DEFENDANT ROBERT BIGI'S  
MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF EBAY  
AND PAYPAL RECORDS (DOC. 225)**

This case is before the Court on Defendant Robert Bigi's Motion in Limine seeking to preclude the introduction of eBay and PayPal records not identified as having been obtained by Orders and Entries issued from the Vandalia Municipal Court. (Doc. 225). In the Motion in Limine, Defendant adopts the argument regarding eBay and PayPal records set forth in Defendants' Joint Motion to Dismiss the Indictment. (Doc. 224).

In their Joint Motion to Dismiss the Indictment, Defendants argued that the only documents known to be in the hands of law enforcement at the time of the grand jury proceedings were those documents obtained from eBay as the result of Orders and Entries issued by the Vandalia Municipal Court. The Court previously ordered the Government to "produce for the Court's inspection . . . copies of all documents obtained by law enforcement in response to the Orders and Journal Entries issued to . . . eBay and PayPal." (Doc. 160). In response to that Order, the Government produced documents relating only to Robert Bigi and Linda Bigi and no documents relating to David Bigi. Naturally, Defendants questioned the source of information upon which Detective Large's grand jury

testimony was based, and Defendant's Motion in Limine appears to seek an order precluding the Government from introducing any eBay or PayPal documents not initially produced in response to the Court March 22, 2011 Order.

On July 26, 2011, the Government provided a supplemental disclosure to the Court's March 22, 2011 Order. The supplemental disclosure includes eBay records of David Bigi from May 2006 through July 24, 2009. The Government represents that these documents were received by law enforcement as a result of the Order and Entry issued to eBay on July 14, 2009, and in fact, the documents themselves indicate that the evidence was gathered on July 24, 2009. The Government represents that these records have been produced to Defendants as early as November 2009, and were produced again in November 2010 and on July 26, 2011. The Government further explains that its failure to produce these documents as ordered on March 22, 2011 was merely inadvertent.

Again, while the Court is troubled by the Government's incomplete production in response to the Court's Order, given that these documents have been in Defendants' hands since November 2009, the Court finds no prejudice to Defendants resulting from the Government's incomplete production to the Court, and no reason to preclude their introduction at trial.

Accordingly, Defendant's Motion (Doc. 225) is **DENIED**.

**IT IS SO ORDERED.**

Date: 7/28/11

Timothy S. Black  
Timothy S. Black  
United States District Judge